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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 5/25/06

UNITED STATES OF AMERICA,)	No: CR05-00285-RMW
Plaintiff,)	
)	
v.)	STIPULATION AND
)	ORDER CONTINUING STATUS CONFERENCE
)	AND EXCLUDING TIME UNDER
)	SPEEDY TRIAL ACT, 18 USC § 3161
)	
Jose Alfredo Souza,)	
Defendant.)	

This matter is scheduled for a status conference on Monday, May 22, 2006 at 9:00 a.m. On March 8, 2006, the defense filed an Ex Parte Application in Support of the Issuance of Rule 17 Subpoenas for Police Officer Personnel Records. In mid-April the Watsonville Police Department delivered the records to Magistrate Howard R. Lloyd for *in camera* review. As of May 17, 2006, the *in camera* review remains pending. It is anticipated that at some point portions of the personnel records may be distributed to counsel for their review. Based on the continuing *in camera* review and the possibility that counsel will then need time to review certain records, the parties agree that a

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1 continuance is necessary. Further, the parties agree to personally appear for the next status conference
2 regardless of whether the *in camera* review is complete.

3 Plaintiff United States of America, by and through Special Assistant United States Attorney
4 Matthew Harris, and defendant Jose Alfredo Souza, by and through attorney Michelle D. Spencer,
5 hereby agree and stipulate that this matter be continued from May 22, 2006 at 9:00 a.m. to June 12,
6 2006 at 9:00 a.m. The parties agree and stipulate that the period of time from May 22, 2006 through
7 and including June 12, 2006, shall be excluded from the period of time within which trial must
8 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq .
9

10 The parties agree that a continuance is needed for continuity of counsel and effective
11 preparation and investigation.
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13 KEVIN V. RYAN
14 United States Attorney

15 Dated:

16 _____
MATTHEW HARRIS
Special Assistant United States Attorney

17 Dated:

18 _____
MICHELLE D. SPENCER
19 Attorney for Jose Alfredo Souza

20
21 **ORDER**

22 Based upon the foregoing Stipulation, and good cause appearing therefor,

23 IT IS HEREBY ORDERED THAT that the status conference set for May 22, 2006 be
24 continued to June 12, 2006 at 9:00 a.m.
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1 IT IS FURTHER ORDERED that the period of time from May 22, 2006 through and
2 including June 12, 2006 be excluded from the period of time within which trial must commence under
3 the Speedy Trial Act, 18 U.S.C. § 3161 et seq. based upon the statutory provision therein, including
4 that time is needed for effective defense preparation and investigation. The Court finds pursuant to
5 Title 18, United States Code, Section 3161(h)(8)(A), considering the factor set forth therein, that the
6 interests of justice in granting this continuance outweigh the defendant's and the public's interests in a
7 speedy trial inasmuch as the parties need additional time for continuity of counsel and effective
8 preparation and investigation.
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12 IT IS SO ORDERED.

13 Date: 5/25/06

/s/ Ronald M. Whyte

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15 HON. RONALD M. WHYTE
16 United States District Judge
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